



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Group Art Unit:	2142
	)		
Robert Betros	)	Examiner:	Kelvin Lin
	)		
Serial No.:	)		
09/766,439	)		
	)		
Filed:	)		
January 19, 2001	)		
	)		
For:	)		
SYSTEM AND METHOD FOR)	)		
MAINTAINING TWO-WAY)	)		
ASYNCHRONOUS	)		
COMMUNICATION	)		
	)		

San Diego, California  
June 11, 2007

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. 1.132**

This is a Declaration in Support of Traversal, submitted under 37 C.F.R. § 1.132.

**The Subject Invention**

I am an inventor and an authorized representative of the assignee of the entire interest of the above-identified patent application.

This invention relates to computer communications.

### **The Enablement Rejection**

In a Final Office Action dated April 19, 2007, the Examiner rejects all claims under 35 U.S.C 112 1<sup>st</sup> paragraph for lack of enablement. In this rejection the Examiner recites the In Re Wands factors and concludes that one of ordinary skill in the art would need to undergo "undue experimentation" in order to make the invention. One such factor concerns the existence of working examples.

### **Working Examples Were In Existence on the Filing Date of the Application**

Embodiments of the invention were actually reduced to practice before the preparation and filing of the application. Within a few weeks following the application date a product embodying the invention was offered for sale. Within 7 months of the date of application, I, the inventor, had made sales of products embodying the invention.

### **The Level of Experimentation Is Not Undue**

Considering the In Re Wands factors, the specification as a whole, and the claims in their totality, the level of experimentation needed to make and use the invention is not undue.

**Conclusion**

As the inventor of the above-identified patent application, which was actually reduced to practice prior to the filing of the application, I request that the Examiner withdraw the rejection of lack of enablement under 35 U.S.C. § 112 1<sup>st</sup> paragraph.

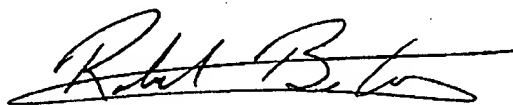
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

June 11, 2007

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Date



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Robert Betros